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UTILITY PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Randy L. Morningstar  
Serial No: 09/872,704  
Filed: June 1, 2001  
Title: IMPLANTABLE MEDICAL  
BALLOON AND METHOD OF  
MAKING  
Docket No: 687-442

Group Art Unit: 3743

Examiner: Kathryn P. Ferko

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OCT 25 2002

TECHNOLOGY CENTER R3700

Assistant Commissioner of Patents  
Washington, D.C. 20231

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*Kimberly A. Hayes*  
Kimberly A. Hayes

**RESPONSE TO RESTRICTION REQUIREMENT**

Dear Sir:

In the present application, an Office Action was mailed on September 24, 2002, which included restriction requirements under 35 U.S.C. 121. Specifically, claims 1-19 and 52-66 were alleged to be drawn to a first invention while claims 20-51 and 67-88 were alleged to be drawn toward second invention.

In response to this Office Action, the Applicant selects Group I, claims 1-19 and 52-66, with traverse.

Applicant respectfully submits that a separate examination of the claims in the various Groups would require substantial duplication of work on the part of the U.S. Patent and Trademark Office. Even though some additional consideration might be necessary, the analysis of all of the claims would be as rigorous as when only the claims of a particular Group were being considered by themselves. This duplication of effort and delay would not be warranted in this case. Further, Applicant submits that for the restriction to be effected between the claims in the Groups, it would place an undue burden on Applicant by requiring payment of separate filing



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OCTOBER 9<sup>th</sup>, 2002. (37 CFR 1.8a)

*Kimberly A. Hayes*  
KIMBERLY A. HAYES

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We are transmitting the following documents along with this Transmittal Sheet:

- ☒ Response to Restriction Requirement
- ☒ Return postcard

Authorization is hereby given to charge any additional fees or credit any overpayments  
that may be deemed necessary to Deposit Account Number 50-1901.

Respectfully submitted,

By *Barbara A. Wrigley*  
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**Response to Restriction Requirement**

Applicant: Randy L. Morningstar

Serial No.: 09/872,704

Filed: June 1, 2001

For: IMPLANTABLE MEDICAL BALLOON AND METHOD OF MAKING

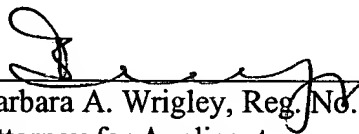
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fees for examination of the nonelected claims, as well as the added costs associated with prosecuting multiple applications and maintaining more than one patent.

As mentioned above, the Applicant has elected Group I, claims 1-19 and 52-61, in conjunction with the above arguments. This response is believed to address all issues raised by the Examiner. However, should further issues or questions arise, the Examiner is respectfully requested to contact Barbara A. Wrigley at (612) 607-7595.



Respectfully submitted,

By   
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